

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BANK OF MONTREAL,

Plaintiff,

-against-

OPTIONABLE, INC., MF GLOBAL, INC.,
KEVIN CASSIDY, EDWARD O'CONNOR,
MARK NORDLICHT, RYAN WOODGATE,
SCOTT CONNOR, and JOSEPH SAAB,

Defendants.
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ORDER

09 Civ. 7557 (GBD) (JLC)

JAMES L. COTT, United States Magistrate Judge.

The Court has received counsel for Kevin Cassidy's letter dated October 15, 2013 seeking an order directing BMO to produce William Downe, its chief executive officer, for a deposition in this case; counsel for Mark Nordlicht's letter dated October 17, 2013 (joined by defendants Optionable and O'Connor) seeking an order directing BMO to produce for deposition both Downe and Eric Tripp, the head of BMO's Commodities trading group, as well as an order permitting more than 10 depositions of current or former BMO employees; and BMO's response also dated October 17, 2013 opposing the taking of the Downe deposition (and advising that a further response to the Nordlicht letter will be forthcoming). The parties are hereby directed to conduct an additional meet and confer on the issues raised in this correspondence, and are strongly encouraged to resolve these disputes without the need for court intervention.

If, after further good faith efforts, the parties are unable to reach an agreement, I will take up these issues at the October 30 status conference. Any further submissions related to these issues must be received by the Court no later than October 24, 2013.

SO ORDERED.

Dated: New York, New York
October 21, 2013



JAMES L. COTT
United States Magistrate Judge

USDC SDNY
DATE SCANNED 10/21/13